

REMARKS

Claims 1-7 are currently pending in this application, as amended. By the present amendment, claims 1-4 and 7 have been amended, as noted above. No new matter has been introduced into the claims by these amendments.

35 U.S.C. §112 REJECTION

In the Action, the Examiner rejected claims 2-7, under 35 U.S.C. §112, second paragraph, as being indefinite.

In response, applicant has amended claim 2 to recite that the through flow regulator is provided with a cross-sectional profile substantially complementarily form-fitting a cross-sectional profile of upstream sieve. This is intended to refer to the through flow regulator having a profile that is complimentary to the profile of the upstream sieve for example, the two parallel sloped surfaces as shown in Figure 1.

With respect to claims 3 and 7, claim 3 has been amended to more clearly indicate that the control gap (10) is connected to a through flow opening provided for the jet regulator (4) and claim 7 clearly refers to the same control gap (10) being formed between the throttle body and the rising sloped surface (9).

In view of these amendments, withdrawal of the Section 112 rejection of claims 2-7 is respectfully requested.

ALLOWABLE SUBJECT MATTER

In the Action, the Examiner indicated that claims 4-6 would be allowable if rewritten to overcome the rejections under 35 U.S.C. §112, second paragraph. In response, applicant has rewritten claim 4 in independent form to include the subject matter of claims 1 and 3 from which it depended, including the corrections made to address the 112 rejections identified above. Accordingly, claim 4 should now be in condition for allowance. Claims 5 and 6 depend from claim 4 and should be similarly allowable.

35 U.S.C. §102(b) REJECTION

Claims 1-3 and 7 were rejected under 35 U.S.C. §102(b) as anticipated by U.S. 5,769,326 to Muchenberger et al. or U.S. 4,470,546 to Wildfang. Applicant respectfully traverses these rejections.

The present invention is directed to a sanitary unit for insertion into a discharge fitting which includes a substantially cone-shaped upstream sieve, with a through flow regulator and a jet regulator positioned downstream in a flow direction. The through flow regulator is arranged generally inside an interior space of the insert unit defined by the upstream sieve. This provides the present construction with a clear advantage over the prior art constructions in that the overall construction height can be reduced for a sanitary unit including both a through flow regulator and a jet regulator positioned downstream therefrom. This

is due to the fact that the through flow regulator is located in the previously unused space inside the interior space of the insert unit defined by the upstream sieve. This generally conical area was previously wasted space and the prior art cited in the Action confirms this.

U.S. 5,769,326 provides the upstream sieve over the through flow regulator and the through flow regulator located over a jet regulator to prevent splashing and provide a generally unified flow from the sanitary installation. However, the through flow regulator is not located inside the space defined by the upstream sieve. Rather, this construction is in accord with the prior art described in the Background section of the present application and suffers from the disadvantage of a higher overall construction height due to the flow regulator, to the extent that it does take place by the dispersing plate (10) with perforations (9) in a region that is clearly below the region defined by the sieve (6).

With respect to U.S. Patent 4,470,546, this construction provides a flow regulator (4) that is essentially located in its entirety below the area defined by the cone-shaped sieve (5). This is clearly apparent from Figures 1 and 6 where it is clear that the flow regulator provided by the O-ring and the control gap is located almost entirely below a bottom surface of a sieve with only a small portion of the O-ring extending into the area defined by the conical sieve (5) of this patent.

Applicant: Uwe Zoller
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In view of the foregoing, it is clear that the prior art neither suggests nor shows a through flow regulator and a jet regulator provided together in a sanitary unit in which the through flow regulator is arranged generally inside an interior space of the insert unit defined by the upstream sieve, which is substantially cone-shaped. Withdrawal of the Section 102 rejection of claim 1 in view of both U.S. 5,769,326 and U.S. 4,470,546 is therefore respectfully requested.

Claims 2, 3 and 7 depend directly or indirectly from claim 1 and should be patentable for the reasons noted above in connection with claim 1.

CONCLUSION

If the Examiner believes that any additional minor formal matters need to be addressed in order to place the present application in condition for allowance, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

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In view of the foregoing Amendments and Remarks, applicant respectfully submits that the present application, including claims 1-7, is in condition for allowance, and a Notice to that effect is respectfully requested.

Respectfully submitted,

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